IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Crl.Rev.Pet.No. 1356 of 2007()

CRRP.54/2005 of SESSIONS COURT, KASARAGOD
CC.182/2003 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD

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REVN. PETITIONER: RESPONDENT NO.1:

T.A.SALEEM,
PARAGON PLASTIC INDUSTRIES 216, INDUSTRIAL AREA,
BYKAMPADY, MANGALORE, D.K.DISTRICT,
KARNATAKA STATE.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

RESPONDENTS: REVISION PETITIONER & STATE/COMPLAINANT

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1. K.A.ATHMACHARAN,
S/O CAPT. DR. K.A.SHETTY, THALIPPADUPPU,
ADKATHBAIL VILLAGE, KASARAGOD DISTRICT.

2. STATE, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1356 OF 2007

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Dated this the 29th day of March 2007

O R D E R

The revision petitioner is the accused who had initiated proceedings under Section 138 of the Negotiable Instruments Act and Section 420 IPC. The accused happened to be discharged under section 249 Cr.P.C on the ground that the complainant was absent for two consecutive posting dates. The Revisional Court allowed the application filed by the complainant. The contention of the revision petitioner is that the proceedings under section 138 being a summons trial Section 249 cannot be invoked. I find that as section 420 IPC is also involved the order of the Sessions Judge cannot be said to be incorrect. In the circumstances, I find that there is no merit in the revision petition and the same is dismissed. Non bailable warrant pending if any shall be kept in abeyance. The revision petitioner shall appear before Chief Judicial Magistrate, Kasaragod on **25.04.2007.**

K.R. UDAYABHANU, JUDGE.

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